

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

APPLETON PAPERS INC. and NCR CORP.,

Plaintiffs,

v.

Case No. 08-C-16

GEORGE A. WHITING PAPER CO., et al.,

Defendants.

ORDER

Several of the Defendants have filed a motion to stay consideration of Plaintiffs' motion for summary judgment on Defendants' state law counterclaims. Defendants note that they are holding these counterclaims in abeyance themselves, as they would only provide them relief in the event that their CERCLA § 113 motions are denied. Consideration of these alternative claims at this stage would expend time and resources on issues that might never need to be raised.

It was not the intent of this Court's scheduling order to have *all* potential claims resolved. The purpose was to allow the Defendants to attempt, relatively swiftly, to have their own contribution counterclaims resolved (or not) on the grounds they proposed. And if they could not be resolved, then a partial judgment could be entered and the matters decided earlier could be appealed. Consideration of their state law counterclaims was never considered, and I conclude that briefing on them at this stage would distract the parties and the Court from the more central issues in the case.

Accordingly, the motion to stay is **GRANTED**. The Plaintiffs' motion (Dkt. # 942) will be administratively terminated without prejudice to the Plaintiffs' ability to raise it at a later time.

SO ORDERED this 14th day of April, 2010.

s/ William C. Griesbach
William C. Griesbach
United States District Judge